

# Agenda

## Town of Seekonk, MA Planning Board

09/11/12

7:00 PM

Seekonk Town Hall  
BOS Meeting Room

### Type of meeting:

Planning Board Regular Meeting, Public Hearing

**Agenda topics** – More information on each item can be found on our website – [www.seekonk-ma.gov](http://www.seekonk-ma.gov) under Departments>Planning>Agenda Items

7:00 PM

### Public Hearing

Definitive Subdivision: 376 Warren Avenue

Fall River Avenue  
Development Partners

### Public Hearing

Zoning Bylaw Amendment: Continuing Care  
Residency Campus Overlay District (CCRCOD) -  
Firefly

320 Fall River Ave., LLC

### Public Hearing

Zoning Map Amendment: Plat 12, lots 10-17; Morris  
Street

Planning Board

### Public Hearing

Zoning Bylaw Amendment: Section 25-Conservation  
Subdivision Design

Planning Board

Form A: 2 Carpenter St.

Mitchel & Erica Fisk

Preliminary Subdivision Plan: Mellen's Knoll  
882 Arcade Avenue

Watermellen, LLC

Surety Establishment: Ricard St. Extension

Costa Development, LLC

Zoning Bylaw Update Proposal Selection

Planning Board

Discussion: Possible Bike Path (time permitting)

Planning Board

Discussion: Master Plan Implementation (time  
permitting)

Planning Board

Correspondence:

Approval of Minutes: 7/10/12 Regular Session,  
12/13/11 Executive Session, 1/10/12 Executive  
Session

Adjournment



# **Planning Board**

100 PECK STREET  
SEEKONK, MASSACHUSETTS 02771  
1-508-336-2960

To: The Planning Board  
From: John P. Hansen Jr., AICP, Town Planner  
Date: July 23, 2012

## **DEFINITIVE PLAN REVIEW**

**'376 Warren Ave' – Plat 1, Lot(s) 26 – 376 Warren Ave**

**Summary:** The applicant has submitted a Definitive Plan application for a conventional 2-lot subdivision.

### **Findings of Fact:**

#### **Existing Conditions**

- Lot 26 is a 6.2 acre piece of land with non-contiguous frontage of 117.99 feet and 101.60 with an existing dwelling and an open field to the rear. The property is in an R-3 Zoning District.

#### **Proposal:**

- Demolish existing farmhouse, which is legal non-conforming and in disrepair, construct a new dwelling at the appropriate setbacks, and place on its own 40,000 sq. ft. lot with 117.99 feet of frontage (150' required) leaving the remaining 5.3 acres of land on separate unbuildable lot with 101.60 feet of frontage.
- The ZBA approved a variance for this lack of frontage on 8/8/11 (Case No. 2011-13).

### **Waivers:**

- Lack of required frontage of 150'

### **Recommendation:**

Although the ZBA granted a variance for this application, a waiver of the required frontage is still required by the Planning Board, under Chapter 41, Section 81R. Case law supports this, as evidenced by *Sequin v. Planning Board of Upton* and *Arrigo v. Planning Board of Franklin*. When granting the waiver for this 2-lot subdivision, a finding must be made that it is in the public interest and not inconsistent with the Subdivision Control Law. Since the lot currently has this amount of frontage and a house currently exists there and the Subdivision Control Law does allow for waiving the frontage, it appears that these findings can be made and the waiver should be granted.

A proper motion would be to ***'Approve the 2-lot subdivision for the Subdivision Plan of 376 Warren Ave dated July 19, 2012 with the waiver for the lack of required frontage of 150' with the finding that it is in the public interest and not inconsistent with the Subdivision Control Law.'***





**Planning Board**  
100 PECK STREET  
SEEKONK, MASSACHUSETTS 02771  
1-508-336-2960

To: The Planning Board  
From: John P. Hansen Jr., AICP, Town Planner  
Date: July 26, 2012

**ZONING BYLAW REVIEW**  
**Continuing Care Residency Campus Overlay District (CCRCOD)**

**Summary:** The applicant has submitted a request for a zoning bylaw amendment. The Board is required to hold a public hearing and issue a report at Town Meeting.

**Findings of Fact:**

**Existing Conditions**

- The proposed rezone includes plat 14, lot 87 and parts of lots 78 & 96 (site of existing Firefly Golf Course). The current zoning designation is R-3/Mixed-Use.

**Proposed Amendments:**

- Allow a Continuing Care Residency Campus Overlay District on the site, which would allow such uses as assisted living facilities, independent living facilities, medical office, a golf course and accessory commercial/retail uses.
- Specifically proposed items include a 120 bed assisted living facility, three separate buildings each containing 22,000 sq. ft. of retail space on the ground floor and 100 units of independent living facilities on the upper three floors, and a 21,000 sq. ft. medical office building.

**Recommendation:**

This zoning bylaw amendment is consistent with the Master Plan, which designates this area as 'Village/Mixed-Use'. In addition, due to the aging population demographics, this is an appropriate use for the area. Also, all previous Planning Board recommendations from July 2009 have been incorporated, therefore Staff recommends this amendment.

**ARTICLE \_\_\_\_.** TO SEE IF THE TOWN WILL VOTE TO AMEND THE SEEKONK ZONING BY-LAW BY MAKING THE FOLLOWING CHANGES REGARDING A NEW CONTINUING CARE RESIDENCY CAMPUS OVERLAY DISTRICT (CCRCOD):

**Item 1.** Add a new Section 9.10, entitled “Continuing Care Residency Campus Overlay District,” as follows:

**9.10 CONTINUING CARE RESIDENCY CAMPUS OVERLAY DISTRICT (CCRCOD):**

**9.10.1 PURPOSE**

The purpose of this Section, Continuing Care Residency Campus Overlay District (CCRCOD), is to:

1. provide for the development of the various residential opportunities including continuing care as set forth herein in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas; and
2. develop such residential opportunities in a manner harmonious with the surrounding land uses while protecting natural resources and open space; and
3. protect the value of real property; and
4. promote sensitive siting of buildings and better overall site planning; and
5. allow landowners a reasonable return on their investment; and
6. facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner.

**9.10.2 DEFINITIONS**

Adult day care facility: A social day care or adult day health facility as those terms are defined by the Commonwealth's Department of Elder Affairs.

Assisted Living Facility (ALF) - A facility as defined in 651 CMR 12.02, which offers supportive services to individuals who are unable to live independently in the community by supervising and/or assisting with basic activities of daily life, such as, but not limited to, dressing, bathing, toileting, and nutrition.

Congregate Care or Independent Living Facility - A facility reserved for occupancy by persons who are able to care for themselves, but with some common facilities as described herein in a multifamily dwelling.

Dwelling: A structure containing no more than 100 dwelling units or other residential facilities. Each dwelling shall be constructed on one level, or constructed with an elevator; not to exceed two bedrooms.

Dwelling Unit - A residence containing a living area, bathroom or bathrooms, and one or two bedrooms, which may contain a kitchen area or combination kitchen/living area.

Nursing Home: Any facility defined in and licensed under G.L. c. 111, s. 71.

Continuing Care Residency Campus (CCRC) - A combination of any of the uses permitted in Section 9.10.5, below, meeting all of the standards set forth in this by-law on a single property or set of contiguous properties in common control, or subject to an agreement to operate as a common entity or in concert.

Upland Area - Land not wetlands.

Wetlands - Land subject to the provisions of G.L. c. 131, ss. 40 and 40A and Seekonk Wetland By-Law.

### **9.10.3 OVERLAY DISTRICT**

The CCRCOD is an overlay district superimposed on all underlying zoning districts pertinent to the locus. All uses permitted by right or by special permit in the pertinent underlying zoning district shall be similarly permitted in the CCRCOD subject to the provisions of this Section. Where the CCRCOD authorizes uses not otherwise allowed in the underlying district, the provisions of the CCRCOD shall control. The boundaries of the CCRCOD are set forth in Section 3.2.7.

### **9.10.4 MINIMUM AREA**

The parcel or set of contiguous parcels containing the CCRCOD shall not be less than thirty-five (35) acres, all of which shall be located exclusively in the Town of Seekonk.

### **9.10.5 PERMITTED USES**

The first phase of a project in a Continuing Care Residency Campus must include an Assisted Living Facility and may include any of the other permitted uses. Within the CCRCOD, a Continuing Care Residency Campus may be constructed as of right, upon site plan approval by the Planning Board, as set forth below. A Continuing Care Residency Campus may include in combination three or more of the following permitted uses, whether located in the same structure or not:

1. Assisted Living Facility
2. Congregate Care or Independent Living Facility
3. Nursing Home
4. Independent Care Dwellings

5. Golf course open to the general public, and to the residents of the CCRC and other private members, with accessory facilities normally associated therewith including a pub or tavern with a license pursuant to G. L. c. 138, subject to approval of the licensing board.

6. Structures and uses accessory to the Continuing Care Residency Campus may also be provided in the same or in a freestanding building, or in outdoor areas set aside to enhance the same uses, including, but not limited to, the following: beauty and barber salons; recreational, physical fitness and therapy services; nondenominational chapel; library; bank automated teller machine; management offices; office buildings, specialty shops, such as: flower, donut, coffee, juice bar, liquor, postage or shipping, pet, candle, t-shirt, clothing, tailor, golf, photo, pharmacy, ice cream, antique, candy, arcade, art studio, pottery, jewelry, medical supplies, general store, convenience store, video, music, book, bakery, gift,; day care, adult day care or adult day health facility; hospice residence; food service; laundry, dry cleaners, tanning salon, and restaurants, including pizza, deli, diner, sandwich, breakfast and covered parking areas. Except for swimming pools, tennis courts, and other outdoor recreational uses, including a health club, such accessory uses shall be in designated outdoor areas or within a structure, and shall comply with the signage requirements of the Zoning By-law or any other use that is allowed by the underlying Mixed Use Zone. Any use other than that stated in paragraph 6 or in the underlying zone will require a special permit from the Zoning Board of Appeals.

#### **9.10.6 PROCEDURES**

An Applicant for site plan approval of a Continuing Care Residency Campus shall file with the Planning Board ten (10) copies of a Development Plan conforming to the requirements for a site plan review under the Zoning By-laws of the Town of Seekonk. Such plan shall also indicate:

- 9.10.6.1 existing and proposed topography;
- 9.10.6.2 wetlands; where wetland delineation is in doubt or dispute, the Planning Board shall require the applicant to submit to the Conservation Commission a request for determination of applicability pursuant to G.L. c. 131, §40 and 310 CMR 10.05(3), the Wetlands Protection Act;
- 9.10.6.3 unless the development is to be sewered, the results of deep soil test pits and percolation tests. The Planning Board shall refer data on proposed wastewater disposal to the Board of Health for their review and recommendation;
- 9.10.6.4 specifications demonstrating that access roads and drainage facilities shall meet the functional requirements of the Planning Board's rules and regulations;
- 9.10.6.5 notwithstanding the provisions of Section 10.3, the applicant shall not be subject to Site Plan Review otherwise required therein.
- 9.10.6.6 the applicant may be required to submit any additional information necessary to make the determinations and assessments cited herein.

### 9.10.7. DWELLING UNITS

The following standards shall govern dwellings and dwelling units:

- 9.10.7.1      Density; Congregate Care/Independent Living and Multifamily Structures. The maximum number of dwelling units allowed in any Congregate Care/Independent Living and Multifamily Structures in a CCRC shall not exceed 300 units.
- 9.10.7.2      Density; Assisted Living Facility or Nursing Home. The maximum number of beds allowed in any Assisted Living Facility or Nursing Home in a CCRC shall not exceed 160 beds.
- 9.10.7.3      Density; The combined total density of dwelling units and beds shall not exceed the amount of dwelling units allowed in any Congregate Care/Independent Living and Multifamily Structures in Section 9.10.7.1 together with the maximum number of beds allowed in any Assisted Living Facility or Nursing Home in Section 9.10.7.2 for a maximum density of three hundred dwelling units and 160 beds.
- 9.10.7.4      Structures. No individual structure within a Continuing Care Residency Campus shall contain more than one hundred (100) dwelling units or 160 beds, as the case may be, unless a special permit for more dwelling units or beds is granted by the Planning Board. The Assisted Living Facility must be the first structure constructed, as defined as the first building permit drawn for the Continuing Care Residency Campus. However, the sewer connection must be completed, prior to obtaining any building permits.
- 9.10.7.5      Height. No structure shall exceed four stories or 55 feet in height, unless a special permit for greater height is granted by the Planning Board
- 9.10.7.6      Parking. The number of parking spaces to be provided for independent living dwelling units shall be at a ratio of parking space per two independent living dwelling units. The Planning Board may require additional visitor parking spaces if deemed necessary. The number of parking spaces to be provided for any assisted living facility or nursing home shall be equal to the number of employees on the largest shift, plus one space per every 5 beds. The number of parking spaces to be provided for any offices, commercial establishments or other uses listed in Section 9.10.5 shall be at least one space per 500 square feet but not more than one space per 250 square feet of gross floor area.
- 9.10.7.7      Setbacks. Each structure shall be a minimum of 30 feet from adjacent properties.
- 9.10.7.8      Multiple Structures on a Lot or Parcel. Except as provided in Section 9.10.7.2, the Continuing Care Residency Campus may be a single lot or parcel, or in the alternative, a structure or multiple structures may be placed on separate lots or parcels. The requirements of the underlying districts shall not apply with regard to such lots or parcels.



### **9.10.8 OPEN SPACE REQUIREMENTS**

- 9.10.8.1 Minimum Area. A minimum of 40% of the parcel shown on the Development Plan shall be contiguous open space, excluding required yards and buffer areas, including wetland areas and planted/landscape area. Such open space may be separated by roadways or driveways either proposed or constructed within the Continuing Care Residency Campus.
- 9.10.8.2 Use. The required open space shall be used for conservation, historic preservation and education, outdoor education, recreation, golf course, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.
- 9.10.8.3 Cover. The required open space shall remain unbuilt upon, provided that ten percent (10%) of such open space, other than any golf course, may be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bikepaths, and agriculture.
- 9.10.8.4 Utilities. Underground utilities to serve the Continuing Care Residency Campus may be located within the required open space. All utilities within a continuing care residency campus shall be located underground; excluding a waste water treatment facility and any other such improvements that cannot be constructed underground.

### **9.10.9 STANDARDS**

The following standards shall apply for the design of a Continuing Care Residency Campus:

- 9.10.9.1 Buffer Areas. All dwellings and structures shall be located a minimum of 30 feet from adjacent properties, and 50 feet from adjacent wetlands, subject to approval from the Conservation Commission pursuant to 310 CMR 10.00. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, except where adjacent to agricultural or recreational used property. Parking areas will have a 10 foot minimum landscaped buffer from adjacent properties.
- 9.10.9.2 Utilities. A Continuing Care Residency Campus shall be served by a public water supply, electricity, natural gas, a combined heat and power system and shall be served by a sewage disposal system or a wastewater treatment facility (WWTF) within two miles of the CCRC provided that the WWTF has adequate excess capacity available. The WWTF must obtain all necessary permits from the Massachusetts Department of Environmental Protection (MADEP) for the conveyances and treatment of wastewater from the CCRC. The CCRC may install a sanitary sewer force main within the CCRC, public highways or roads, public sidewalks and public or private easements to convey sanitary sewage and treated effluent between the CCRC and WWTF provided that the installation and repair of all disturbances to roadway improvements are made in accordance with

the Seekonk Department of Public Works and Mass Highway Standards and Specifications for Roadways and Bridges. The sanitary sewer force main will be constructed and installed within roadway crossings as perpendicular as possible, and off of the traveled way and in the shoulder or sidewalk area wherever feasible.

- 9.10.9.3      Irrigation. Water for irrigation purposes will be provided on-site and not by the public water supply.
- 9.10.9.4      Accessory Buildings. Permitted accessory buildings may include property management office, structures to serve allowed accessory uses, common recreational facilities (including fitness center, swimming pool, meeting rooms, etc.), physical plant and maintenance facilities, wastewater treatment facility, water treatment facilities, water storage tank or tanks and the like.
- 9.10.9.5      Stormwater Management. Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board, Section 10.6.2 of the Zoning By-Law and any other applicable federal or state standards.
- 9.10.9.6      Roadways. The principal roadway(s) serving the Continuing Care Residency Campus shall be adequate for the intended use and vehicular traffic and shall be maintained by the Applicant.
- 9.10.9.7      Maximum Coverage. Not more than 55% of the Continuing Care Residency Campus shall be covered by an impervious surface.
- 9.10.9.8      Lighting. Lighting shall comply with Section 10.6.4 of the Zoning By-law.

#### **9.10.10 DECISION**

The Planning Board shall render its decision regarding the site plan within sixty (60) days of the date of the application, as may be extended by agreement in writing. Such decision shall be filed with the office of the Town Clerk. Site plan approval for a Continuing Care Residency Campus shall be granted upon determination by the Planning Board that new building construction or other site alteration satisfies all of the following objectives.

- 9.10.10.1      Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
- 9.10.10.2      Maximize pedestrian and vehicular safety both on the site and egressing from it;
- 9.10.10.3      Minimize obstruction of scenic views from publicly accessible locations;
- 9.10.10.4      Minimize visual intrusion by controlling the visibility of parking, storage, HVAC

or other outdoor service areas viewed from public ways or premises residentially used or zoned;

- 9.10.10.5 Minimize glare from headlights and lighting intrusion and light overspill into the night sky;
- 9.10.10.6 Provide adequate access to each structure for fire and other emergency service equipment;
- 9.10.10.7 Provide adequate stormwater management consistent with the functional design standards in the Planning Board's Subdivision Rules and Regulations;
- 9.10.10.8 Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
- 9.10.10.9 Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.

#### **9.10.11 APPEAL**

Any decision of the Planning Board pursuant to this Section shall be appealed in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

#### **9.10.12 RELATION TO OTHER REQUIREMENTS; SEVERABILITY**

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-Law. In the event any provision of this Section 9.10 is deemed unconstitutional or invalid, it is the intention that such decision shall not affect the validity of this Section 9.10 as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

#### **Item 2. Add the following new Section 3.2.7:**

The boundaries of the Continuing Care Residency Campus Overlay District (CCRCOD) shall be as follows:

That certain tract or parcel of land with all buildings and improvements thereon situated on the easterly side of Fall River Avenue (Mass. Route 114-A) in the Town of Seekonk, County of Bristol, Commonwealth of Massachusetts and is bounded and described as follows:

Beginning at a point on the easterly side of Fall River Avenue, said point being the northwesterly corner of land now or formerly belonging to Hurd Realty, LLC;

Thence N 08° 59' 40" W a distance of six hundred ninety and twenty-eight hundredths feet (690.28') along the easterly line of Fall River Avenue to land now or formerly belonging to Bocada Enterprises;

Thence N 78° 07' 10" E a distance of two hundred twenty-eight and forty-four hundredths feet (228.44') by land now or formerly of Bocada Enterprises;

Thence N 13° 37' 10" W a distance of four hundred four and sixty hundredths feet (404.60') to an angle;

Thence running N 13° 57' 10" W a distance of seventy-five and forty-five hundredths feet (75.45') to a corner;

Thence running N 88° 50' 10" E a distance of one hundred seventy-four and ninety-one hundredths feet (174.91') to land now or formerly belonging to Herb Chambers of Seekonk LLC.

The last three above-described courses being bounded by said Bocada Enterprises.

Thence running S 41° 45' 50" E a distance of ninety-two and nineteen hundredths feet (92.19') to a corner;

Thence running S 01° 09' 50" E a distance of one hundred nineteen and no hundredths feet (119.00') to a corner;

Thence running N 88° 50' 10" E a distance of three hundred thirty-three and no hundredths feet (333.00') to a corner;

Thence running N 01° 09' 50" W a distance of one hundred eighty-nine and no hundredths feet (189.00') to land now or formerly belonging to Geo-Missy Ltd Partnership for a corner.

The last four above-described courses being bounded by said Herb Chambers land.

Thence running N 88° 50' 10" E a distance of eighty-three and eighty-seven hundredths feet (83.87') to a corner;

Thence running N 13° 58' 50" W a distance of three hundred seven and sixty-seven hundredths feet (307.67') to Taunton Avenue for a corner.

The last two above-described courses being bounded by said Geo-Missy land.

Thence running N 88° 50' 10" E bounded northwesterly by said Taunton Avenue a distance of forty and sixty-two hundredths feet (40.62') to land now or formerly of Johnson & Wales College;

Thence S 13° 58' 50" E a distance of one thousand one hundred sixty and forty-five hundredths feet (1160.45') by land now or formerly of Johnson & Wales College;

Thence S 34° 40' 43" E a distance of one hundred eight and eleven hundredths feet (108.11') by land now or formerly of Johnson & Wales College;

Thence N 77° 41' 20" E a distance of one hundred seventy-five and no hundredths feet (175.00') by land now or formerly of Johnson & Wales College;

Thence S 09° 09' 40" E a distance of one hundred sixteen and eighty-seven hundredths feet (116.87') by land now or formerly of Payne;

Thence N 44° 18' 20" E a distance of one hundred fifty-seven and forty-one hundredths feet (157.41') by land now or formerly of Payne;

Thence N 42° 51' 20" E a distance of one hundred twenty-three and nine hundredths feet (123.09') by lands now or formerly of Payne and Lagoa;

Thence S 56° 36' 53" E a distance of four hundred forty-one and ninety-three hundredths feet (441.93') by lands now or formerly of Lagoa, Miller, Stone, Lundgren and Sequeira;

Thence S 56° 25' 35" E a distance of one hundred twenty-three and forty-eight hundredths feet (123.48') by land now or formerly of Sequeira;

Thence S 55° 27' 17" E a distance of one hundred twenty-nine and thirty-two hundredths feet (129.32') by land now or formerly of Correia;

Thence S 55° 49' 35" E a distance of three hundred twenty-five and no hundredths feet (325.00') by lands now or formerly of Correia and Hinds to Arcade Avenue;

Thence S 41° 07' 45" W a distance of two hundred forty-two and ninety-six hundredths feet (242.96') by Arcade Avenue;

Thence S 36° 16' 15" W a distance of four hundred forty and fifty-one hundredths feet (440.51') by Arcade Avenue to the beginning of a curve;

Thence running southwesterly by a curve with a radius of one thousand nine hundred seventy-five and no hundredths feet (1975.00') and a length of two hundred seventy-nine and seventy-eight hundredths feet (279.78') by Arcade Avenue to the end of said curve.

Thence S 44° 23' 15" W a distance of four hundred seventy-three and one hundredths feet (473.01') by Arcade Avenue to lands now or formerly of Foisy;

Thence N 47° 11' 45" W a distance of three hundred thirty-eight and one hundredths feet (338.01') by lands now or formerly of Foisy;

Thence running S 02° 32' 45" E a distance of one hundred eleven and five hundredths feet (111.05') to an angle;

Thence running S 21° 48' 15" W a distance of ninety-one and no hundredths feet (91.00') to land now or formerly belonging to Grist Mill Holdings, LLC;

Thence running S 52° 21' 49" W bounded by said Grist Mill Holdings, LLC a distance of two hundred eighty-seven and seventy-seven hundredths feet (287.77') to land now or formerly

of Enfield Corporation for a corner;

Thence running N 38° 31' 26" W a distance of two hundred ninety-seven and forty-four hundredths feet (297.44') to a corner;

Thence running S 39° 26' 25" W a distance of three hundred ninety-six and no hundredths feet (396.00') to said Fall River Avenue to a point on a curve for a corner.

The last two above-described courses being bounded by said Enfield Corporation.

Thence running northwesterly by a curve with a radius of one thousand and no hundredths feet (1000.00') and a length of two hundred forty-nine and seventy-nine hundredths feet (249.79') to the end of said curve.

Thence running N 26° 05' 20" W a distance of three hundred nine and fifty-three hundredths feet (309.53') to land now or formerly belonging to Katherine M. Kirkpatrick for a corner;

Thence N 76° 01' 10" E a distance of one hundred one and twenty-six hundredths feet (101.26') by land now or formerly of Katherine M. Kirkpatrick;

Thence N 73° 04' 40" E a distance of thirty-two and eleven hundredths feet (32.11') by land now or formerly of Katherine M. Kirkpatrick;

Thence N 75° 36' 10" E a distance of seventy-three and fifty-seven hundredths feet (73.57') by land now or formerly of Katherine M. Kirkpatrick;

Thence N 11° 36' 20" W a distance of seventy-eight and fifty-two hundredths feet (78.52') by land now or formerly of Katherine M. Kirkpatrick;

Thence S 77° 58' 40" W a distance of two hundred twenty-eight and eighteen hundredths feet (228.18') by land now or formerly of Katherine M. Kirkpatrick to Fall River Avenue;

Thence running northerly by a curve with a radius of one thousand four hundred eighty and no hundredths feet (1,480.00') and a length of two hundred sixty-nine and twelve hundredths feet (269.12') along the easterly line of Fall River Avenue;

Thence N 14° 11' 20" W a distance of ninety-three and twenty hundredths feet (93.20') along the easterly line of Fall River Avenue to land now or formerly of Janice Taylor;

Thence N 77° 52' 25" E a distance of one hundred eighty-six and twenty hundredths feet (186.20') by land now or formerly of Janice Taylor;

Thence N 12° 01' 20" W a distance of one hundred and no hundredths feet (100.00') by land now or formerly of Janice Taylor to the land now or formerly of Hurd Realty, LLC;

Thence N 77° 58' 40" E a distance of two and eighty-one hundredths feet (2.81') by land

now or formerly of Hurd Realty, LLC;

Thence N 12° 29' 25" W a distance of two hundred sixty-six and fifteen hundredths feet (266.15') by land now or formerly of Hurd Realty, LLC;

Thence S 77° 30' 35" W a distance of one hundred sixty-three and thirty hundredths feet (163.30') by land now or formerly of Hurd Realty, LLC;

Thence southerly along curve with a radius of thirty and no hundredths feet (30.00') and a length of forty-five and twenty-nine hundredths feet (45.29') by land of Hurd Realty, LLC to Fall River Avenue and the point of beginning.

The following portion of land containing 22.865± acres that lies within the above described district is to be allocated and used for the sole purpose of the Open Space Requirement under Section 9.10.8 and is bounded and described as follows:

Beginning at a point on the northwesterly side of Arcade Avenue, said point being the most southerly corner of land now or formerly belonging to Hinds;

Thence S 41° 07' 45" W a distance of two hundred forty two and ninety six hundredths feet (242.96') by Arcade Avenue;

Thence S 36° 16' 15" W a distance of four hundred forty and fifty one hundredths feet (440.51') by Arcade Avenue;

Thence S 44° 23' 15" W a distance of four hundred seventy three and one hundredths feet (473.01') by Arcade Avenue to the lands now or formerly of Douglas and Candace Foisy;

Thence N 47° 11' 45" W a distance of three hundred thirty eight and one hundredths feet (338.01') by the lands now or formerly of Foisy;

Thence N 42° 48' 15" E a distance of sixty five and no hundredths feet (65.00');

Thence N 02° 32' 45" W a distance of two hundred sixty and seventy five hundredths feet (260.75');

Thence N 65° 02' 30" W a distance of two hundred seventy three and thirty five hundredths feet (273.35');

Thence N 1° 22' 45" W a distance of six hundred sixty five and seventy hundredths feet (665.70');

Thence N 77° 41' 20" E a distance of one hundred seventy five and no hundredths feet (175.00') by the land now or formerly of Johnson & Wales College;

Thence S 09° 09' 40" E a distance of one hundred sixteen and eighty seven hundredths feet (116.87') by the land now or formerly of Payne;

Thence N 44° 18' 20" E a distance of one hundred fifty seven and forty one hundredths feet (157.41') by the land now or formerly of Payne;

Thence N 42° 51' 20" E a distance of one hundred twenty three and nine hundredths feet (123.09') by the lands now or formerly of Payne and Lagoa;

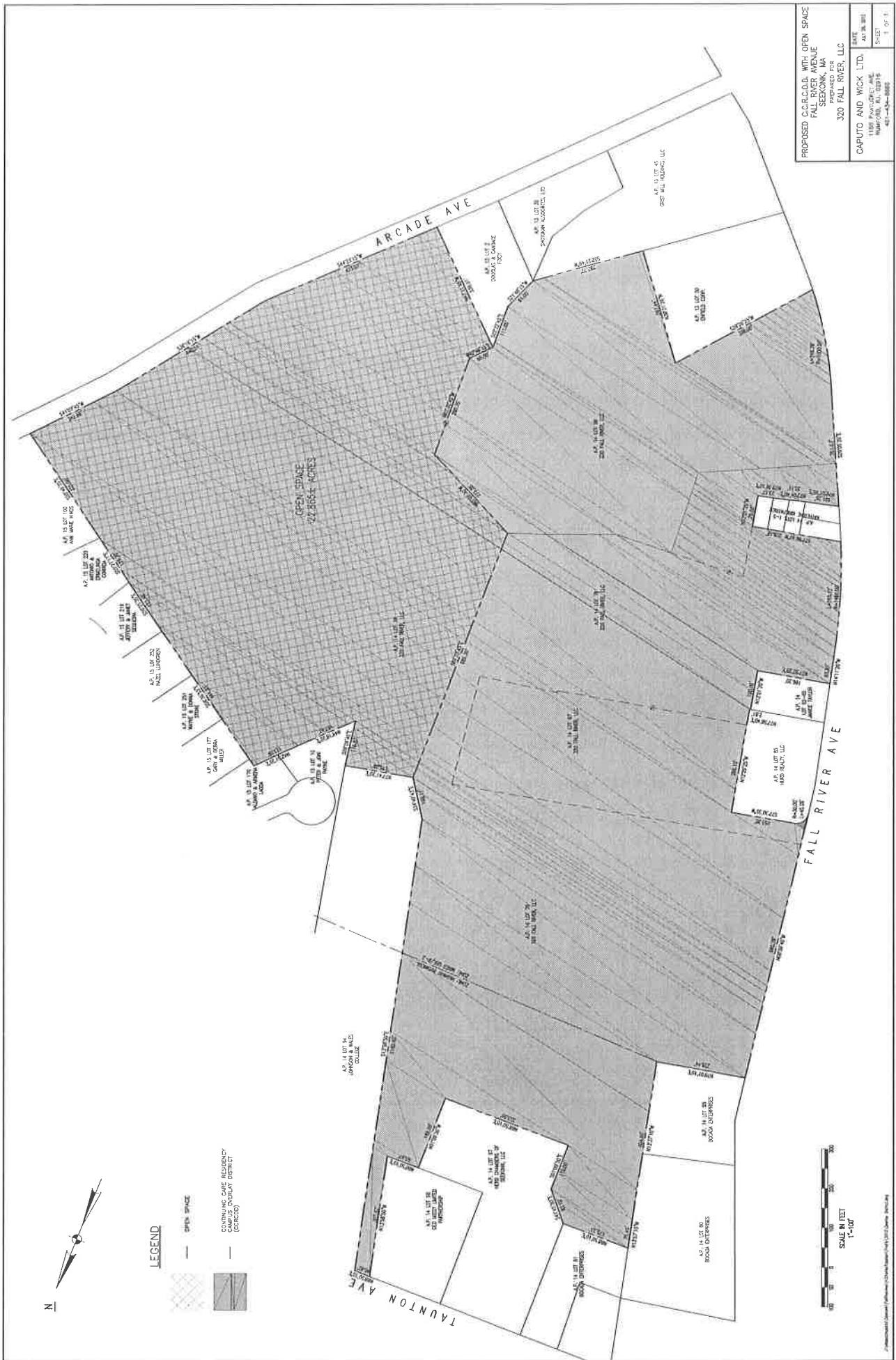
Thence S 56° 36' 53" E a distance of four hundred forty one and ninety three hundredths feet (441.93') by the lands now or formerly of Lagoa, Miller, Stone, Lundgren and Sequeira;

Thence S 56° 25' 35" E a distance of one hundred twenty three and forty eight hundredths feet (123.48') by the land now or formerly of Sequeira;

Thence S 55° 27' 17" E a distance of one hundred twenty nine and thirty two hundredths feet (129.32') by the land now or formerly of Correia;

Thence S 55° 49' 35" E a distance of three hundred twenty five and no hundredths feet (325.00') by the lands now or formerly of Correia and Hinds to Arcade Avenue and the point of beginning.





PARKING SCHEDULE		MAXIMUM REQ.	MINIMUM REQ.
PROPOSED CODE			
1.500 S.F. @ 1400 S.F. OR 2000 S.F.	= 10	20	
300 S.F. @ 1400 S.F. OR 2000 S.F.	= 300	100	
COMMERCIAL, EXISTING BUILDING	= 204	120	
1.500 S.F. @ 1400 S.F. OR 2000 S.F.	= 70	5	
3.000 S.F. @ 1400 S.F. OR 2000 S.F.	= 9	5	
1.500 S.F. @ 1400 S.F. OR 2000 S.F.	= 100	40	
TOTAL REQUIRED ACCESSIBLE SPACES			
TOTAL REQUIRED			
TOTAL PROVIDED			



LOCATION MAP  
SCALE 1" = 300'

NOTE:  
EXISTING EXTERIOR LIGHTING TO BE PROVIDED BY ADAPTING EXISTING LIGHTING SYSTEM.  
PASSAGEWAY LIGHTING ZONES REGULATIONS (2017 CH. 23)

PROPOSED CONC DEVELOPMENT  
PARKING LOT  
SEBOK, MA  
PREPARED FOR

320 FALL RIVER, LLC

CAPUTO AND WICK LTD.  
1000 W. 10TH ST.  
SEBOK, MA 01960  
401-434-4800

DATE: SEP 24, 2012  
SHEET: 1 OF 1

To see if the Town will vote to amend the zoning designation of Seekonk Assessor's Plat 12, Lot 10-17 containing approximately 24,515 square feet of land from R-1 to Highway Business.



Item \_\_\_\_: To amend Section 25. Conservation Subdivision Design as follows:

## **SECTION 25. CONSERVATION SUBDIVISION DESIGN**

### **25.1 PURPOSE**

The purpose of this Conservation Subdivision Design is to encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use; to preserve historical and archeological resources; to protect the natural environment; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to perpetuate the appearance of Seekonk's traditional New England natural landscape; to allow landowners a reasonable return on their investment; to facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner; and to promote the provision of safe, sanitary, and affordable housing for all sectors of Seekonk's population, including low- and moderate income households.

### **25.2 APPLICABILITY**

Any subdivision of eight (8) or more lots, from a parcel or set of contiguous parcels held in common ownership and located within a Residence District other than an R-1 zoning district may be permitted by right upon approval by the Planning Board (Board).

### **25.3 PRE-APPLICATION REVIEW**

The applicant is strongly encouraged to request a pre-application review with the

Town Planner, Conservation Agent, Building Official, Health Agent, Fire Chief, Water Superintendent and Public Works Superintendent. The applicant's consultants are strongly encouraged to attend. The purpose of this review is to outline the applicant's preliminary plan and receive comments from the members of the town staff listed above so as to minimize the applicant's costs for engineering and other technical experts that may arise throughout the development process.

### **25.4 PROCEDURES**

Applicants for a Conservation Subdivision shall file with the Planning Board a Preliminary Plan and Definitive Plan, conforming to the contents specified in the

Rules and Regulations Governing the Subdivision of Land in Seekonk, Massachusetts.  
In addition said plans shall include the following:

1. Proposed topography, wetlands, and the results of deep soil test pits and percolation tests at the rate of one per acre, but in no case fewer than four (4) per Conservation Subdivision.
2. Where the potential for wetland impacts exist, the Planning Board shall require the applicant to submit to the Conservation Commission, a request for a determination of applicability or notice of intent pursuant to G.L.c. 131, 40 and 310 CMR 10.05 (3).
3. Not more than 25% of the total tract shall be disturbed areas. A disturbed area is any land not left in its natural vegetated state. This calculation shall be included on all plans.
4. Any additional information necessary to make the determinations and assessments cited herein.
5. A yield plan showing the development designed in conformance with a conventional subdivision, as outlined in the Rules and Regulations shall also be submitted.

## 25.5 DESIGN PROCESS

Each Development Plan shall follow a four-step design process, as described below. When the Development Plan is submitted, applicants shall be prepared to demonstrate to the Planning Board that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots, and open space.

a. *Designing the open space.* First, the open space is identified. The open space shall include, to the extent feasible, the most sensitive and noteworthy natural, scenic, and cultural resources on the property.

b. *Location of house sites.* Second, potential house sites are tentatively located.

House sites should be located not closer than 100' to wetlands areas, but may be situated within 50' of open space areas, in order to enjoy views of the latter without negatively impacting the former.

c. *Street and lot layout.* Third, align the proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots, access and streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on open space. To the



greatest extent practicable, wetland crossing and streets traversing existing slopes over 15% shall be strongly discouraged.

d. *Lot lines.* Fourth, draw in the lot lines. These are generally drawn midway between house locations.

#### **25.6 LOT DIMENSIONS**

Each lot shall contain not less than 15,000 square feet of area if serviced by town water and not less than 20,000 square feet if not serviced by town water. Said lots shall have frontage of not less than 50 feet, front yards of at least 20 feet and rear and side yards of at least 10 feet.

#### **25.7 NUMBER OF DWELLING UNITS**

The maximum number of dwelling units allowed shall be equal to the number of lots which could reasonably be expected to be developed upon that parcel under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.

#### **25.8 ACCESS TO LOTS**

Lots within a Conservation Subdivision may only be accessed from roads within the subdivision.

#### **25.9 OPEN SPACE REQUIREMENTS**

A minimum of 40% of the parcel shown on the Development Plan shall be contiguous open space, excluding required yards and buffer areas and shall not consist of narrow strips of land around the perimeter of the site which do not meet the intent of this by-law. The Board may require interconnected open space on adjacent subdivisions to encourage biodiversity by maximizing habitat size and minimizing edge effects. Such open space may be separated by the road(s) constructed within the Conservation Subdivision. A physical demarcation between residential properties and the required open space shall be included to prevent said open space from being absorbed by adjacent residential properties. Suggested examples include split rail fences, stone walls, boulders or other impediments as approved by the Board. The percentage of this open space that can be wetland shall not exceed the percentage of wetland for the entire site under existing conditions shown on the Development Plan.

The required open space shall be used for conservation, historic preservation, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes. Existing underground utilities, as of the date of adoption of this section, to serve the Conservation Subdivision site may be located within the required open space.

The required open space shall, at the owner's election, be conveyed to a corporation or trust owned jointly or in common by the owners of lots within the Conservation Subdivision. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of the open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of the open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. The owner of each lot shall be deemed to have assented to the town a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the town of same. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded in the Registry of Deeds.

Any proposed open space shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

#### **25.10 DENSITY BONUS OPTION**

1. Eligible Projects: For any proposed Conservation Subdivision of 8 or more units that is not within the Groundwater Aquifer Protection District, the developer may voluntarily elect to provide affordable housing units and receive a density bonus upon grant of a special permit by the Planning Board. The Planning Board shall require as a condition of such a density bonus the following:

- a. The provision within the Conservation Subdivision of affordable housing units amounting to a minimum of ten (10) percent of the development's total number of dwelling units. Fractions of a unit will be rounded up to the next whole number.
  - b. The affordable units to be provided shall be equivalent in size, quality, and characteristics to the other units in the development.
  - c. The affordable units shall not be grouped together; they shall be distributed among all units.
2. Alternative Provision of Units: The Planning Board may allow, as a condition of said density bonus that, in lieu of all or some of the affordable housing units being provided within the Conservation Subdivision, the developer shall:
  - a. Provide all or some of the affordable housing units on a site different from the Conservation Subdivision; or
  - b. Provide all or some of the affordable housing units through an alternative means, such as the purchase of existing units with the addition of deed restrictions or some other legally enforceable instrumentality acceptable to the Planning Board ensuring its continuing affordability; or
  - c. Provide the equivalent value of all or some of the affordable housing units through a "fee-in-lieu" paid to the Town of Seekonk's Community Preservation Act Community Housing fund, which will be dedicated to the provision of affordable housing; or
  - d. Provide all or some of the affordable housing units through a combination of any or all of the methods in this Section.

The Planning Board shall ensure that the affordable units to be provided through alternative methods shall be equivalent in size, quality, and characteristics to the units within in the Conservation Subdivision. The Planning Board will also ensure that these alternative methods will encourage the most appropriate use of land and buildings, and/or will avoid undue hardship to land and buildings.

The value of a "fee-in-lieu" payment shall be equal to the price of a unit that is affordable to a qualified purchaser, assuming a household size of 1.49 persons per bedroom. Bedrooms will be determined by the average number of bedrooms per unit in the Conservation Subdivision. In the case of multiple affordable units, the



price shall be multiplied by the number of affordable units created by the Conservation Subdivision.

3. Density Bonus: Under the voluntary special permit, the Planning Board will allow an increase in the maximum number of on-site market rate dwelling units in the Conservation Subdivision established under Section 25.7 of this bylaw. The number of these bonus market rate units will be equal to the number of affordable units created by the Conservation Subdivision. Fractions of a unit will be rounded up to the next whole number.
4. Schedule/Timing of construction or provision of affordable units or lots: The Planning Board may impose conditions on the special permit requiring construction of affordable housing according to a specified time table, so that affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

<u>MARKET-RATE UNIT %</u>	<u>AFFORDABLE HOUSING UNIT %</u>
<u>Up to 30%</u>	<u>None required</u>
<u>30% plus 1 unit</u>	<u>At least 10%</u>
<u>Up to 50%</u>	<u>At least 30%</u>
<u>Up to 75%</u>	<u>At least 50%</u>
<u>75% plus 1 unit</u>	<u>At least 70%</u>
<u>Up to 90%</u>	<u>100%</u>

5. Disturbed Areas: The Planning Board may grant a waiver allowing that the proportion of disturbed areas within the Conservation Subdivision may exceed 25% of the total tract only if that incremental disturbed area is needed to directly support the provision of and access to the additional on-site bonus market units and on-site affordable units.
6. Qualified Purchasers/Tenants: To ensure that only eligible households purchase or lease affordable housing units, the purchaser or lessee shall be required to submit copies of his/her household's last three years' federal and state income tax returns

and certify, in writing and prior to transfer of title, to the developer of the Conservation Subdivision or his/her agent, and within thirty (30) days following transfer of title, to the Seekonk Housing Authority, that his/her household's annual income level does not exceed the maximum level as established by the Commonwealth's Department of Housing and Community Development, and as may be revised from time to time. The maximum housing cost for affordable units created under this bylaw is as established by the Commonwealth's Department of Housing and Community Development, Local Initiative Program or as revised by the Town.

7. Preservation of Affordability: Each affordable housing unit created in accordance with this subsection and offered for sale or rent to the general public shall have deed restrictions or some other legally enforceable instrumentality acceptable to the Planning Board ensuring its continuing affordability in perpetuity.
  - a. Resale Price: Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the deed restriction or other chosen legally enforceable instrumentality on the property.
  - b. Right of first refusal: The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town, consistent with model riders prepared by Department of Housing and Community Development, granting the municipality's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

#### **25.11 DECISION**

The Planning Board may approve, approve with conditions, or deny an application for a Conservation Subdivision, after assessing whether the Conservation Subdivision better promotes the objectives herein, than would a conventional subdivision.

#### **25.12 RELATION TO OTHER REQUIREMENTS**

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning by-law.

#### **25.13 SEVERABILITY**

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of Seekonk's zoning bylaw.

**Item \_\_\_\_:** To add the following definitions to Section 2. Definitions in the appropriate alphabetical order:

**Affordable Housing Unit:** A dwelling unit that is affordable to and occupied by a low- or moderate-income household, meets the definition of low- or moderate-income housing at 760 CMR 56.02, and is eligible for inclusion in the Massachusetts Department of Housing and Community Development's Subsidized Housing Inventory through the Local Initiative Program.

**Low- and Moderate-Income Household:** A household with income at or below 80% of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Seekonk as determined annually by the U. S. Department of Housing and Urban Development (HUD).

**Qualified Purchaser:** A low- or moderate-income household that purchases and occupies an affordable housing unit as its principal residence.



**Planning Board**  
100 PECK STREET  
SEEKONK, MASSACHUSETTS 02771  
1-508-336-2960

To: The Planning Board  
From: John P. Hansen Jr., AICP, Town Planner  
Date: July 24, 2012

**APPROVAL NOT REQUIRED REVIEW (ANR)**  
**Mitchel & Erica Fisk – Plat 38, Lot(s) 32 – 2 Carpenter St.**

**Summary:** The applicant has submitted a request for an Endorsement of a Plan Believed Not to Require Approval.

**Findings of Fact:**

Existing Conditions

- Single family dwelling exists on the property and is zoned R-2.

Proposed Lot Amendments:

- Divide off a 40,215 sq. ft. lot with 277.39 of frontage (120' required) and access along Oak Hill Avenue (an accepted way).

**Recommendation:**

Staff recommends approval of this application as it meets the exemption clause within the definition of a subdivision in the Rules and Regulations Governing the Subdivision of Land for changing the size of lots in such a manner so as to not leave any lot affected without the proper frontage.



ASSESSORS PLAT 38 - LOT 32

OWNER:  
MITCHELL O. and ERICA J. FISK  
45 CARPENTER STREET  
NEEDHAM, MA 02461

DEED BOOK 14457 - PAGE 228

ZONE R-2

22,500 S.F.  
150'  
120'

LOT WIDTH @ FRONT SETBACK:  
FRONTAGE

SETBACKS:

FRONT: 35'

REAR: 50'

SIDE: 30' + 5' PER EACH STORY OVER 1 STORY

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DEDICATE ASSESSORS MAP 38 LOT 32 INTO TWO LOTS.
2. THIS PLAN IS THE RESULT OF AN ON THE GROUND SURVEY.
3. ANY WORK ON THIS SITE REGARDING THE NEIGHBORHOOD ACT OR THE RIVERS PROTECTION ACT HAS NOT BEEN PERFORMED AS PART OF THIS SURVEY AND MUST BE COMPLETED BEFORE IT CAN BE DETERMINED IF ANY OF THE LOTS SHOWN ON THIS PLAN ARE BUILDABLE.

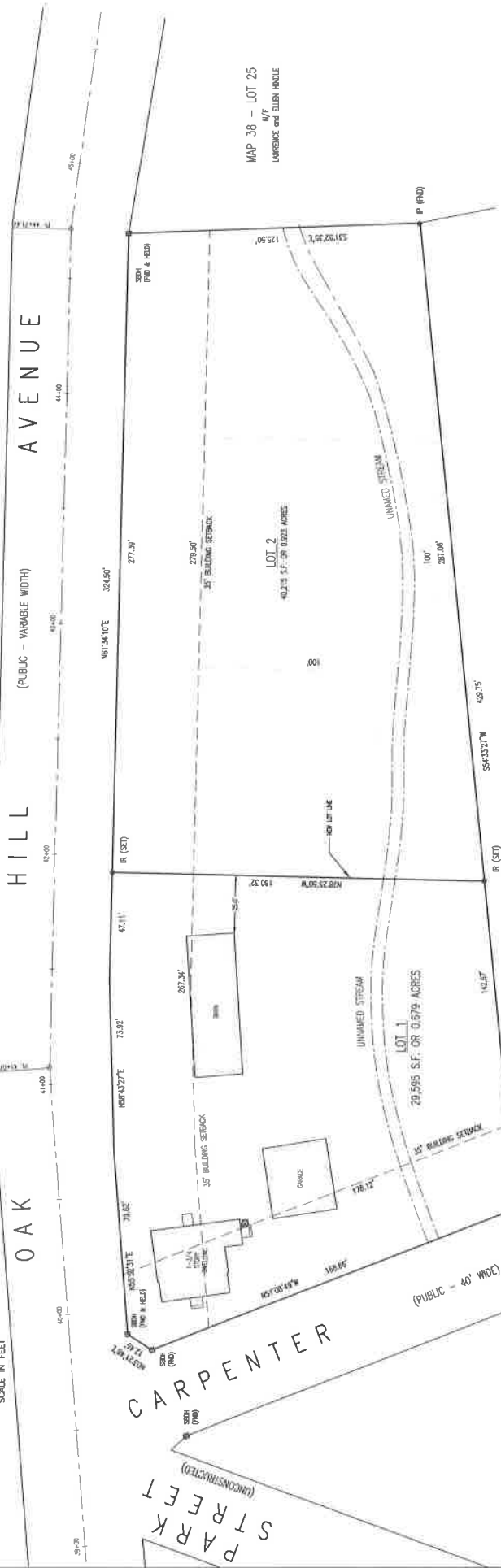
PLAN REFERENCES:

- PLAN BOOK 233 PAGE 20
- PLAN BOOK 176 PAGE 24
- PLAN BOOK 142 PAGE 74
- PLAN BOOK 109 PAGE 20

PLAN OF OAK HILL AVENUE FROM CENTRAL AVENUE TO THE ATTLEBORO CITY LINE BY WATERMAN ENGINEERING CO. SCALE 1"=40', NOV. 1979.

LOCATION MAP

0 2000  
SCALE IN FEET

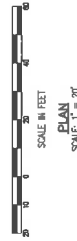


MAP 38 - LOT 25  
N/F  
LUMBERCO and ELLEN HUBLE

MAP 38 - LOT 31  
N/F  
ROBERT and NORMA SUMNER

APPROVAL UNDER SUBDIVISION CONTROL LAW  
NOT REQUIRED

SIGNATURES OF THE PLANNING BOARD DO NOT GUARANTEE THAT ALL OR ANY OF THE LOTS SHOWN ARE BUILDABLE.



I HEREBY CERTIFY THAT THIS MAP CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERED OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.



MAP OF LAND IN  
SKEWKONK, MASSACHUSETTS  
BELONGING TO  
MITCHELL O. and ERICA J. FISK

CAPUTO AND WICK LTD.  
1150 PLYMOUTH AVE.  
BURLINGTON, MA 01803  
DATE: JAN 15, 2021  
SHEET: 1 OF 1



**Planning Board**  
100 PECK STREET  
SEEKONK, MASSACHUSETTS 02771  
1-508-336-2960

To: The Planning Board  
From: John P. Hansen Jr., AICP, Town Planner  
Date: July 26, 2012

**PRELIMINARY PLAN REVIEW**

**Mellen's Knoll – Plat 10, Lots (s) 20, Plat 13, Lot(s) 42, & Plat 15, Lot(s) 13, 19, 20, & 23 (882 Arcade Ave.)**

**Summary:** The applicant has submitted an Application for Approval of Preliminary Plan for a Conservation Subdivision.

**Findings of Fact:**

**Existing Conditions**

- Property contains 47 acres of land with an existing dwelling and a wooded area and wetlands to the rear. The property is in an R-2 Zoning District.

**Proposal:**

- Create 14 new house lots, all >15K sq. ft., on an ±900' public road ending in a cul-de-sac.
- Individual septic systems and public water will service the lots.
- Infiltration basin proposed for the drainage system.
- Open space areas will equal approximately 30 acres.

**Recommendations:**

The conventional plan shows 14 lots therefore the conservation plan appears appropriate. Also the open space appears to be far in excess (63%) of what is required (40%). Therefore, an approval of this Preliminary Plan should be given.

A detailed map of the archaeological site of Jericho, showing the city wall, the Temple of the Moon, and the Temple of the Sun. The map includes labels for various structures and features, such as the 'Temple of the Moon', 'Temple of the Sun', 'City Wall', and 'Jericho'. A scale bar is provided at the bottom left.

[illegible]

## SEEKONK PLANNING BOARD

17KOV 6 11 19 2004 16:07:00  
79274460 011015001

## CLUSTER CONCEPT PLAN

"WATERMELLEN LLC PROPERTY"  
882 ARCADE AVENUE SEEKONK MASSACHUSETTS 02771  
ASS-SSORS MAP 10 LOT 20 & MAP 15 LOTS 12 19 20 & 23  
ASS-SSORS MAP 13 LOT 42

Prepared for WATERMELLEN LLC  
35 NEW YORK AVENUE FAIRHAVEN MA

Job #	Scale	Drawn By	Date
05103	1" = 50'	SCA	JULY 23, 2012

4 SHEET



**Planning Board**  
100 PECK STREET  
SEEKONK, MASSACHUSETTS 02771  
1-508-336-2961

**MEMORANDUM**

To: The Planning Board

From: John P. Hansen Jr., AICP, Town Planner

Date: August 22, 2012

Re: Ricard Street-Extension – Surety Establishment

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The applicant for the Ricard Street-Extension subdivision has requested the establishment of surety to guarantee construction of said subdivision. The construction cost estimate, ±\$235K, has been reviewed by GPI and found to be an appropriate estimate of the proposed construction.

The method of surety proposed by the developer is a covenant over lots 2 & 4 within the development, expiring in 3 months. Based on the average purchase price of vacant lots in town at \$125K, a covenant for 2 lots appears to be more than adequate to cover the construction costs.

A condition of the subdivision approval required a subsurface site investigation to be performed due to the former use of the property being a nursery. Soil samples with elevated levels of lead were originally found in November, 2008. However re-sampling in September, 2010 found these levels to be under the applicable thresholds. A final report was issued by DEP in 2011 after a final round of sampling, which confirmed the findings of the 2010 sampling effort and stated that no threat to groundwater existed. Therefore, this office recommends establishing a covenant for lots 2 & 4 within the Ricard Street-Extension subdivision, expiring on December 11, 2012.





<b>WATER</b>									
8" CLDI	565	LF	\$60	\$33,900					
8" GV	2	EA	\$1,300	\$2,600					
8" X 8" X 8" TEE	1	EA	\$1,600	\$1,600					
8" BENDS	4	EA	\$425	\$1,700					Bends likely needed around cul-de-sac
6" X 8" increaser	1	EA	\$450	\$450					increaser at beginning of project.
1" Water Services	4	EA	\$500	\$2,000					Four lots
Test and Chlorinate	0	LS	\$0	\$0					
				\$42,250					
<b>UTILITIES</b>									
Utility Trench and Backfill for Conduit	470	LF	\$6	\$2,820					
Utility Trench Sand	550	CY	\$12	\$6,600					
Electric Cost	200	LF	\$5	\$1,000					
Warning Tape	12	EA	\$50	\$600					
				\$11,020					
<b>FINAL SITE PREP</b>									
Trees	5	EA	\$450	\$2,250					
Re-Spread Loam (Pond and Swales)	200	CY	\$3	\$600					
Re-Spread Loam (ROW)	150	CY	\$3	\$450					
Hydroseed - (ROW, pond,swales)	1	DAY	\$1,500	\$1,500					
As-built	1	LS	\$6,000	\$6,000					
Miscellaneous Work/Cleanup	1	LS	\$4,000	\$4,000					
Street Monuments	3	EA	\$300	\$900					
T.M. Acceptance	1	LS	\$3,000	\$3,000					
				\$18,700					
<b>INSPECTIONS</b>									
Engineer	1	LS	\$6,000	\$6,000					
Drainage Inspection	2	EA	\$1,500	\$3,000					
<b>TOTAL</b>				\$181,724					
10% Contingencies				\$18,172					
Construction Management (10%)				\$18,172					
Maintenance (2%)				\$3,634					
<b>SUBTOTAL</b>				\$221,703					
Inflation (6%)				\$13,302					
<b>TOTAL GUARANTY</b>				\$235,005					

***TOWN OF SEEKONK***  
***Planning Board***

**MEMORANDUM**

**To:** The Planning Board

**From:** John P. Hansen Jr., AICP, Town Planner

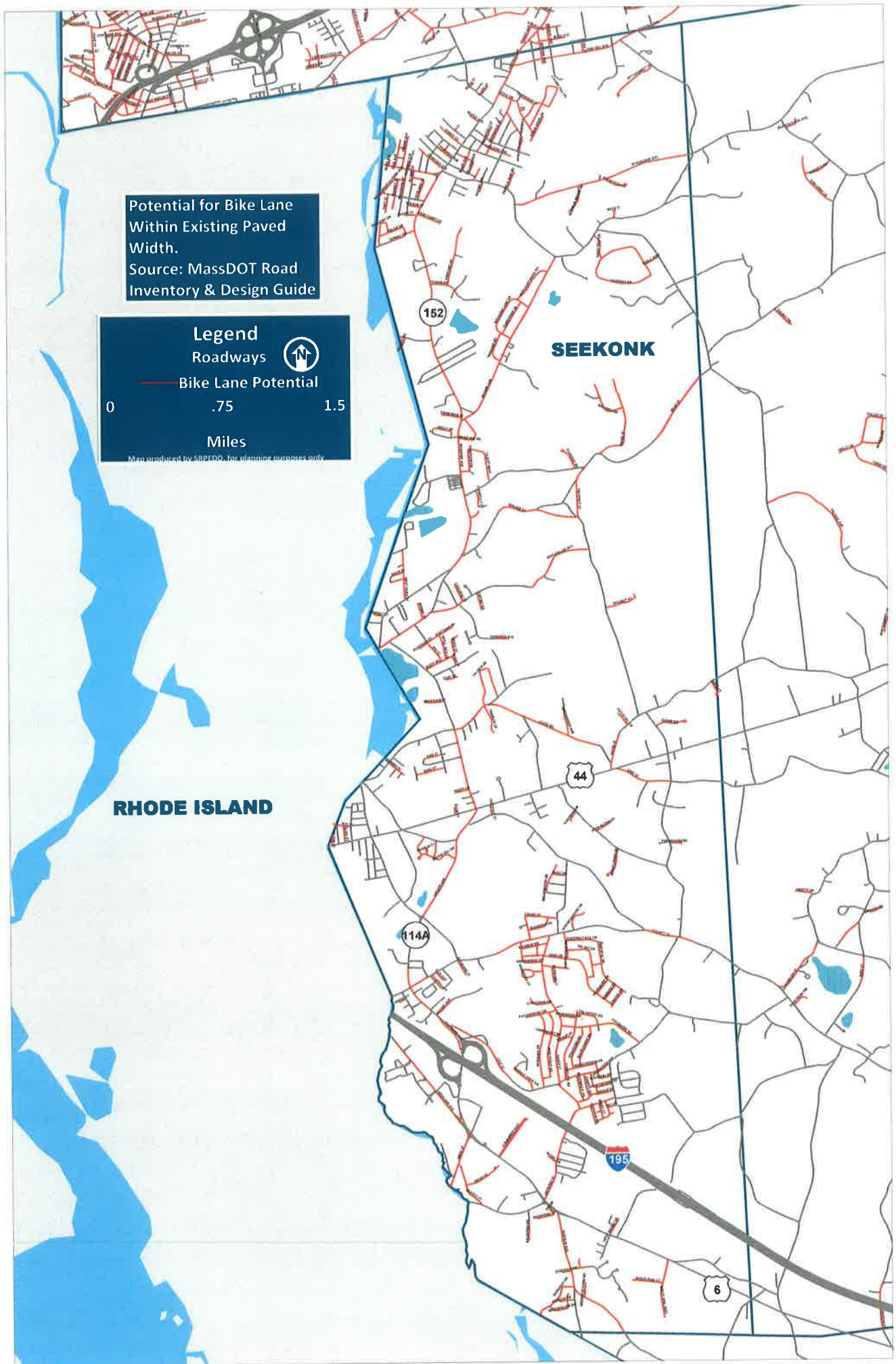
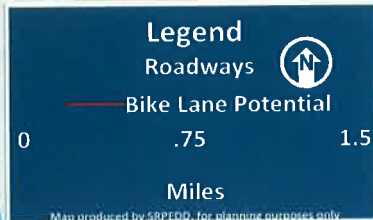
**Date:** August 30, 2012

**Re:** Zoning Bylaws Update – Proposal Selection

---

Two proposals, from Horsley Witten Group and Kevin Scanlan, were received from the recently issued RFP for Planning Services to Update the Town of Seekonk Zoning Bylaws. By evaluating the proposals based on the criteria set forth in the RFP, my recommendation is for Horsley Witten's proposal. The Town's prior experience with HW on the Master Plan lends credence to choosing their firm again. Once a proposal is chosen by the Planning Board, the BOS will need to execute the contract so the project can commence.

Potential for Bike Lane  
Within Existing Paved  
Width.  
Source: MassDOT Road  
Inventory & Design Guide



# ***TOWN OF SEEKONK***

## ***Planning Board***

### **MEMORANDUM**

**To:** The Planning Board

**From:** John P. Hansen Jr., AICP, Town Planner

**Date:** July 18, 2012

**Re:** Master Plan Implementation

---

In order to help prioritize the action items within the Master Plan, an examination of the original public scoping survey of the Plan was done. A question asking if the Town should consider the provision of a centralized sewer system to service densely developed areas was agreed upon by 63.5% of the respondents. An action item to this effect was included in the Village, Highway Business, and Industrial sections of the Land Use Action Plan due to these areas containing the densest development.

Since the Master Plan is based on comments from the public, this action item, which is only to **consider** sewers, appears to be warranted. A suggestion would be to float the idea out there, first by writing a memo to the BOS indicating the results of the survey related to this question.

Another action item that the BOS could initiate would be related to Economic Target Areas (ETAs). The State allows areas that meet certain economic and demographic criteria to establish ETAs, which then allows for tax incentive programs to be created. The City of Attleboro is currently an ETA and the State allows for adjacent communities to be appended to it. Previous attempts by this office to be appended to their ETA have been unsuccessful. Perhaps the BOS can coordinate with the Mayor of Attleboro to accomplish this. A memo to the BOS asking for their assistance would be appropriate.

# ***TOWN OF SEEKONK***

## ***Planning Board***

### **MEMORANDUM**

**To:** The Planning Board

**From:** John P. Hansen Jr., AICP, Town Planner

**Date:** September 4, 2012

**Re:** August monthly report

---

#### **BYLAWS**

##### Zoning Bylaw rewrite

- 2 proposals received in response to RFP; Horsley Witten recommended; PB to choose proposal in Sept.

##### Affordable Housing Incentive Zoning

- Voluntary option with density bonus bylaw to have 9/11/12 public hearing

##### CCRCOD

- Bylaw forwarded to PB by BOS; Public hearing to be held 9/11/12.

#### **PLANS**

##### Master Plan

- Implementation on-going.

##### Luther's Corner Parking/Circulation Study

- Final plan approved; Neighborhood meeting to unveil plan will be held in fall; Costs being estimated by consultant; Town Engineer to start State application for funding

#### **MISC**

##### Morris St rezone

- Rezone of Pine property from R-1 to HB to have public hearing 9/11/12.

### Bikepath

- Due to recent interest from the Board shown and overwhelming results of the Open Space and Recreation Plan survey, the concept of a bike path/route has begun to be explored. SRPEDD to setup meeting with MassDOT for possible off-road path alongside railroad; Need community support for on-road bike routes.

### GIS

- Assisting Assessor with GIS maps for revaluation recertification.

## **SUBDIVISIONS**

### Orchard Estates

- Definitive Plan endorsed; Construction to commence.

### Tall Pines

- Definitive Plan endorsed; Construction on-going; Drainage and bridge installed

### Madison Estates

- Construction to commence.

### Caleb Estates

- Construction ongoing; Binder installed.

### Pine Meadows

- Street trees installed; Can now request final surety release.

### Ricard St. Extension

- Surety to be established in Sept.

## **SITE PLANS**

### CVS-North End

- Construction on-going

**SEEKONK PLANNING BOARD  
Public Hearing and Regular Meeting  
MINUTES  
July 10, 2012**

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Present: Ch. Abelson, R. Bennett, R. Horsman, J. Ostendorf,  
M. Bourque, (7:05), L. Dunn (7:07)  
J. Hansen, Town Planner

Absent: S. Foulkes: (with cause)

7:03 pm Ch. Abelson called the meeting to order.

**Surety Establishment: Orchard Estates**  
**Applicant: Najas Realty, Inc.**

J. Hansen summarized Orchard Estates/Najas Realty is proposing 3 lots for a covenant. He noted the average cost per lot was \$125,000 with the total construction cost estimate of \$330,000.00. He asked the board for a motion to establish a covenant for lots 1, 7 & 8 expiring on November 10, 2012.

A motion was made by R. Horsman and seconded by J. Ostendorf and it was unanimously

**VOTED: (4-0) To approve surety for Orchard Estates**  
**By: Ch. Abelson, R. Bennett, R. Horsman, J. Ostendorf**

**Surety Establishment: Tall Pines**  
**Applicant: Stone Gate Builders**

J. Hansen summarized Tall Pines/Stone Gate Builders is proposing 6 lots for a covenant. He noted a total construction cost estimate of \$750,000.00. He asked the board for a motion to establish a covenant for lots 5-10 expiring on October 10, 2012.

A motion was made by R. Horsman and seconded by R. Bennett and it was unanimously

**VOTED: (5-0) To approve surety for Tall Pines**  
**By: Ch. Abelson, R. Bennett, R. Horsman, J. Ostendorf, M. Bourque**

**Discussion: Assisted Living Facility**

Mark Shane came before the Board to give an update on his Assisted Living Facility project. He said he bought the property at 1530 Fall River Ave. He let the Board know that this proposal was



separate from his last proposal. He voiced that his major concern was he wanted to make sure that the same restrictions would be given to other assisted living projects going on in Seekonk. He said he would be going before the Zoning Board of Appeals first to obtain a special permit. If that is not granted then they would go back to town meeting.

N. Abelson commented that he did not think the abutters would have a problem with this type facility going in next to them.

J. Ostendorf asked about the time line and Mr. Shane said that he would be applying for a building permit soon to get the process started. He went on to describe the project saying that it would be 4 units, 112 beds, built in 4 phases. It would employ about 50 full time people and would be low impact on traffic on a general day to day use.

### **Discussion: School Administration Building Reuse**

N. Abelson summarized that at the most recent town meeting there was a warrant article to allow the Board of Selectman to dispose of the town owned School Administration building located on School Street. He noted the article did not pass at town meeting so the BOS asked him if the Planning Board would help in getting a special permit or variance from the ZBA as well as help write an RFP to make the building into separate living units within the foot print of the building.

N. Abelson asked the Board if they wanted to take on this project or give it back to the BOS or tell them they should find a use for it first and then maybe help with writing the RFP.

M. Bourque commented that the Planning Board had enough to do at this time and said they couldn't spear head it right now.

R. Horsman commented that if the BOS wanted to tell the Planning Board what direction to work in then maybe, but in his opinion he recommend selling it because he felt it is a liability and it would be best to get it off the town books.

L. Dunn asked about CPA since the building was over 100 years old and suggested helping reword the warrant article.

J. Ostendorf and M. Bourque both commented that the Fire department said they could not use it and did not want it for a south end fire station.

A motion was made by R. Horsman and seconded by L. Dunn and it was unanimously

**VOTED: (6-0) for J. Hansen to write a memo to the BOS requesting them to come to a consensus on what should be done with the property then garner support prior to Town meeting where it would be voted on. If voted to dispose of then an RFP would go outlining the desires of the town for the property.**

**By: Ch. Abelson, R. Bennett, L. Dunn, R. Horsman, J. Ostendorf, M. Bourque**

**Discussion: Luther's Corners Parking/ Circulation Study**

J. Hansen reminded the Board of the presentation at the 6/12/12 PB meeting by DiPrete Engineering and RAB Engineers. He noted it was left at the end of that meeting that the Board was going to think about the study and come back with any questions or suggestions. J. Hansen said that he met with D. Cabral, Town Engineer and he had the same concerns as J. Ostendorf about the left hand turn from the eastbound approach. D. Cabral talked with P. Bannon, of RAB he said they would put something in the final draft to address this issue. J. Hansen said there was funding for this project plus some possible State money, via SRPEDD, and noted it would not be a costly project since it would only involve striping of the road.

A motion was made by M. Bourque and seconded by J. Ostendorf and unanimously,

**VOTED: (6-0) To approve the Luther's Corners Village Parking & Traffic Circulation Study with the changes discussed.**

**By: Ch. Abelson, R. Bennett, L. Dunn, R. Horsman, J. Ostendorf, M. Bourque**

**Discussion: Voluntary Affordable Housing Incentive Provision within the Conservation Subdivision Design Zoning Bylaw**

J. Hansen summarized that at the last Planning Board meeting it was voted to endorse the voluntary special permit with density bonus option, which says that in a subdivision of 8 units or more there is an incentive for providing affordable units and it is not mandatory, which the board thought was more equitable.

L. Dunn commented that it seemed likely the only way a contractor would even look at this would be if a density bonus was offered.

J. Ostendorf thought it was well written.

A motion was made by R. Bennett seconded by L. Dunn and unanimously,

**VOTED: (6-0) to hold a public hearing in the fall to adopt the Voluntary Affordable Housing Incentive Provision within the Conservation Subdivision Design Zoning Bylaw**

**By: Ch. Abelson, R. Bennett, L. Dunn, R. Horsman, J. Ostendorf, M. Bourque**

**Discussion: Master Plan Implementation**

J. Hansen said he went to the land use section of the Master Plan Implementation Guide and noted there were six or seven different items that could be worked on. In particular under Objective LU -1- D: *Inventory vacant or underutilized properties that provide opportunities for infill and redevelopment*. He recommended taking an inventory of such property in Seekonk

because the Planning Department and other town hall departments get inquiries frequently on what is available in town to buy rent or lease for a business.

A motion was made by R. Horsman and seconded by L. Dunn and it was unanimously

**Voted: (6-0) to have J. Hansen coordinate with other town departments to take an inventory of vacant or underutilized properties that provide opportunities for infill and redevelopment. The report is due for the December 11, 2012 Planning Board meeting.  
By: Ch. Abelson, R. Bennett, L. Dunn, R. Horsman, J. Ostendorf, M. Bourque**

J. Hansen continued with the Master Plan discussion by noting there was another action item somewhat related to the inventory of vacant properties. Objective: LU-7-D: *Require new tenants on older sites to provide detailed mapping of storm water and wastewater infrastructure to ensure a continued update of information needed to maintain market viability and high levels of environmental protection.* He said this in the same vein as LU 1 to inventory the waste water and storm water capacity. He noted knowing who has the capacity in a database would be very helpful and said he would work on that as well for the December meeting.

J. Hansen continued the discussion noting that Objective: LU- 6B - *Commission a detailed development feasibility study for southern Mixed Use Corridor area that includes an examination of market analyses, infrastructure cost/benefit analysis, and environmental constraints.* And Objective: LU - 7A - *Ensuring Zoning By-Law standards for use, dimension and other important site development elements are flexible enough to allow for Highway Business area to evolve over time in response to changing markets. Research emerging trends in the transformation of so-called "big box" retail centers to inform any regulatory amendment;* were both items in the Master Plan Implementation Guide that the board should think about and be proactive on in the near future.

**Correspondence: None**

**Approval of Minutes:**

A motion was made by M. Bourque and seconded by L. Dunn and it was unanimously

**VOTED : (6-0) To accept the minutes from 6/12/12 with amendment on page 5  
By: Ch. Abelson, R. Bennett, L. Dunn, R. Horsman, M. Bourque, J. Ostendorf**

A motion was made by R. Horsman and seconded by J. Ostendorf and it was unanimously

**VOTED: (6-0) To adjourn the meeting at 8:05 PM  
By: Ch. Abelson, R. Bennett, L. Dunn, R. Horsman, M. Bourque, J. Ostendorf**

Respectfully Submitted by:

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Florice Craig